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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,673	01/09/2002	Brian Shuster	4633P011	8378

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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/043,673

Applicant(s)

SHUSTER ET AL.

Examiner

Beemnet W. Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

AT

### DETAILED ACTION

1. Claims 1-39 have been examined.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara US Patent 6,512,919 B2 in view of Colavin EP 0905953 A2.

4. As per claims 1, 9, 17 and 23, Ogasawara teaches a method comprising:

scanning one or more product barcodes [column 14, lines 5-13, column 5, lines 30-40 and column 7, lines 13-22];

and transmitting / receiving, via a communications device (i.e., wireless telephone), the one or more scanned barcodes to a transaction server computer, such that the transaction computer processes the one or more barcodes in accordance with a barcode processing instruction [column 7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18].

Ogasawara further teaches transmitting the product barcodes via a wireless telephone. It is also old and well known in the art that wireless telephone communication uses audio tones for data transmission and reception (for example DTMF tones). Ogasawara further teaches communication audio data between a wireless device and the server computer using

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microphone and speaker [see column 11, lines 36-44]. Ogasawara is silent on converting the product barcodes into audio tones and transmitting scanned barcodes as audio tones.

Colavin teaches a method of converting barcodes into audio tones and transmitting the audio tones to a device over a network. Both Ogasawara and Colavin use a wireless communication device to transmit barcode information over a network [column 5, lines 11-28]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Colavin within the system of Ogasawara in order to easily and quickly transmit barcodes over a network. Ogasawara could have been modified by Colavin by transmitting scanned barcodes that are transmitted from a wireless telephone to a server computer as taught by Ogasawara above and transmitting the barcode information as audio tones as taught by Colavin.

5. As per claims 29, 33 and 37-39, Ogasawara teaches an apparatus, comprising:

a processor having circuitry to execute instructions [figure 2, unit 38];

a communications interface coupled to the processor, the communications interface to receive audio barcode signal and to transmit received audio barcode signals to a transaction server computer [see for example figure 3, units 20, 100, 104, 110 and 102];

a scanning device to scan product barcodes and provide scanned product barcodes to the processor [figure 3, unit 20]; and

a storage device coupled to the processor, having sequences of instructions stored therein, which when executed by the processor cause the processor to: scan one or more product barcodes, and transmit, via a communications device, the one or more scanned barcodes to a transaction server computer, such that the transaction computer processes the one or more barcodes in accordance with one or more barcode processing instruction [column

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7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18].

Ogasawara further teaches transmitting the product barcodes via a wireless telephone. It is also old and well known in the art that wireless telephone communication uses audio tones for data transmission and reception (for example DTMF tones). Ogasawara further teaches communication audio data between a wireless device and the server computer using microphone and speaker [see column 11, lines 36-44]. Ogasawara is silent on converting the product barcodes into audio tones and transmitting scanned barcodes as audio tones.

Colavin teaches a method of converting barcodes into audio tones and transmitting the audio tones to a device over a network [column 5, lines 11-28]. Both Ogasawara and Colavin use a wireless communication device to transmit barcode information over a network. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Colavin within the system of Ogasawara in order to easily and quickly transmit barcodes over a network. Ogasawara could have been modified by Colavin by transmitting scanned barcodes that are transmitted from a wireless telephone to a server computer as taught by Ogasawara above and transmitting the barcode information as audio tones as taught by Colavin.

6. As per claims 2, 3, 10, 11, 18, 19, 24, 25, 30, 34 and 35, Ogasawara further teaches the method further comprising: transmitting a connection request to the transaction server computer; including verification information; and when verified, receiving a connection request acknowledgment from the transaction server computer [column 6, lines 13-31].

7. As per claims 4, 12 and 31, Ogasawara further teaches the method wherein scanning product barcodes further comprises: scanning a product barcode, when a read mode is

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detected, storing the scanned product barcode, and repeating the scanning and storing until a transmit mode is detected [column 7, lines 13-22 and column 19 lines 45-59].

8. As per claims 5, 13, 20, 26, 32 and 36, Colavin further teaches converting the barcodes further comprises: selecting a stored optical barcode signal from the one or more scanned product barcodes, converting the optical barcode signal into an audio barcode signal to enable transmission via a voice communications device; and repeating the selecting and converting for each stored optical barcode signal [column 5, lines 11-28].

9. As per claims 6 and 14, Ogasawara further teaches the method further comprising: selecting a barcode processing instruction, and transmitting the selected barcode processing instruction to the transaction server computer [column 7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18].

10. As per claims 7, 8, 15, 16, 21, 22, 27 and 28, Ogasawara further teaches the method further comprising further comprising: when the barcode processing instruction is a product purchase instruction, receiving product availability information, including one of a product price, a product source and one or more product delivery options and when the product is desired according to the received product availability information, providing a product purchase acknowledgement to the transaction server computer [column 6, lines 42-57].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

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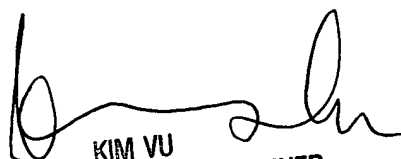
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

September 28, 2005

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
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